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April 11, 2023

Via ECF

The Honorable Denise Cote, District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

*Denied.
Denise M. Welsh
4/12/23*

Re: *Price and Davidson v. Sterling Infosystems, Inc., No. 1:22-cv-05083-DLC*
Joint Request to Stay Case Pending Mediation

Your Honor:

We represent Plaintiffs Wilafalam Price and Elek Davidson (“Plaintiffs”) in the above-referenced action. We write on behalf of all parties in this matter to request a stay of the deadlines in this action while the parties prepare for and conduct a mediation. In support of the request, the parties state as follows:

Since the entry of the Pretrial Scheduling Order, the parties have diligently pursued discovery relevant to Plaintiffs’ claims and the details and scope of the putative classes alleged in the Amended Complaint. These efforts have included written discovery requests, numerous exchanges of information related to class size and data, a data sampling and analysis of consumer reports, and many meet and confer endeavors. The parties have worked collaboratively throughout this process to obtain the discovery needed for an informed class-based settlement discussion.

These efforts, particularly the review and analysis of large data sets, required additional time beyond the dates contemplated in the Pretrial Scheduling Order. For this reason, on February 1, the parties submitted a Joint Request for Extension of Deadlines to Facilitate Mediation and Case Resolution Discussions. (ECF No. 29). This was the parties’ first request to extend the deadlines in this action. The Court granted the parties’ request. (ECF No. 30).

The parties have completed their data sampling and analysis, which led to discussions and an agreement to mediate. To facilitate the mediation, the parties have selected a private mediator at their own expense, Hon. Diane M. Welsh. The parties’ counsel have worked with Judge Welsh in numerous consumer class action mediations, and believe she is uniquely situated to navigate settlement negotiations here. The first availability for such a mediation is June 19th.

The parties have conferred and agree that a stay of the case is appropriate. This will maintain the status quo and allow the parties to fully explore the possibility of resolving this matter without the pressure and expense of meeting the current litigation deadlines. The parties jointly propose to report back to the Court no later than June 26th regarding whether the case has resolved and proposing further deadlines consistent with the status of the case at that time.

In consideration of the foregoing, the parties respectfully request that the case be stayed through June 26, 2023. If the Court has any question regarding this request, we stand ready to respond.

A proposed Order is attached hereto.

Respectfully,

/s/ Jeffrey B. Sand
Jeffrey B. Sand (admitted *pro hac vice*)